

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.  
UNITED STATES DISTRICT JUDGE

JURY TRIAL - DAY TWENTY-SEVEN  
EXCERPT  
TESTIMONY OF THOMAS GRILK

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Wednesday, March 4, 2015  
11:30 a.m.

Marcia G. Patrisso, RMR, CRR  
Official Court Reporter  
John J. Moakley U.S. Courthouse  
One Courthouse Way, Room 3510  
Boston, Massachusetts 02210  
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I N D E XDirect   Cross   Redirect   Recross1            WITNESSES FOR THE  
2            GOVERNMENT:

3            THOMAS GRILK

4            By Mr. Chakravarty  
5            By Ms. Conrad

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## PROCEDINGS

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MR. CHAKRAVARTY: Your Honor, the government calls its first witness, Mr. Thomas Grilk.

THOMAS GRILK, duly sworn

THE CLERK: Have a seat. Please state your name, and spell your last name slowly for the record.

THE WITNESS: My name is Thomas Grilk, G-R-I-L-K.

DIRECT EXAMINATION

10 | BY MR. CHAKRAVARTY:

11 Q. Good morning, Mr. Grilk.

12 A. Good morning, sir.

13 Q. Can you please tell the jury where you work?

14 A. I work at the Boston Athletic Association.

15 Q. And what is your role there?

16 A. I'm the executive director.

17 Q. And what is the Boston Athletic Association?

18 A. The Boston Athletic Association is an organization that  
19 was formed in 1887 to promote health and fitness. It has  
20 existed over that period of time to the present day with that  
21 as its principal aim.

22 Q. I assume you have not been affiliated with the  
23 organization since then?

24 A. My affiliation is briefer, yes. I became a member of the  
25 Boston Athletic Association in 1987. I had been affiliated

1 previously as -- I had first run the Boston Marathon three  
2 times: in 1976, '77 and '78. In 1979 I became the finish line  
3 announcer at the marathon, which was my first actual connection  
4 with the event and the organization.

5 In 1987 I became a member of the BAA; in 1990, a member of  
6 its board of governors; in 1995, a vice president of the BAA;  
7 and then in 2003, I became the president of the BAA, and held  
8 that role until 2011, when I became the executive director.

9 Q. Sir, can you describe --

10 THE COURT: Excuse me. Mr. Grilk, would you just move  
11 the microphone up a little bit so you're speaking a little more  
12 directly into it?

13 (Witness complies.)

14 THE COURT: Thank you.

15 BY MR. CHAKRAVARTY:

16 Q. Can you describe the role and responsibilities of the  
17 executive director of the BAA?

18 A. The executive director is the person who is in charge of  
19 day-to-day activities, is the senior executive officer for the  
20 conduct of the business of the BAA.

21 Q. Now, can you describe the different types of activities  
22 that the BAA operates in?

23 A. The BAA operates in three principal areas: Number one,  
24 best known, is the conduct of running events, racing events;  
25 most notably, the Boston Marathon every year. In addition to

1       that, large, mass-participation races involving thousands of  
2       runners at three other distance: five kilometers, ten  
3       kilometers and a half marathon.

4           The second principal area of activity is community service  
5       aimed, to a great deal, at kids, fitness activities and  
6       competitive activities for school-aged children: cross-country  
7       events in the fall, relay events in the springtime, around the  
8       time of the marathon, and training courses that support those.

9           The third area is the development of high-performance  
10      athletes, high-performance runners now. In the beginning of  
11     the BAA, it was an organization that looked to many sports but  
12     focused on track and field. When the Olympic Games were  
13     revived in Athens in 1896, it was the Boston Athletic  
14     Association that sent a majority of the U.S. team. So the  
15     development of high-performance track-and-field athletes has  
16     been a part of the BAA for a long time. And we have revived  
17     that rather recently, hiring one of the world's preeminent  
18     distance coaches to reinvigorate that part of what we do.

19           So those are the three areas in which we operate.

20   Q.   And let's talk about the Boston Marathon specifically.  
21   When did the BAA first host the Boston Marathon?

22   A.   The Boston Marathon was first conducted in 1897. In 1896,  
23     when BAA athletes went to Athens for the revival of the Olympic  
24     Games, one of the events that was contested there was a  
25     marathon: a run from the Plains of Athens -- Plains of

1 Marathon into Athens. And BAA members brought that idea back  
2 with them, and in 1897 organized the first Boston Marathon.  
3 And it has been conducted annually ever since.

4 Q. And what was the general layout of the course back then?

5 A. The course is largely unchanged since 1897. It's a little  
6 bit longer now because the marathon distance was standardized  
7 in the 1920s at 26 mile, 385 yards, the distance we know today.  
8 It first started in Ashland, Mass., and followed the route that  
9 it follows today. When the course had to be lengthened to meet  
10 the standard distance for a marathon, that moved the start out  
11 to Hopkinton, Massachusetts, which is where it starts today.

12 Q. And so in describing the history of the marathon, what  
13 else has changed over the years in terms of the layout or the  
14 organization of the marathon?

15 A. Well, as I say, the course itself hasn't changed really  
16 very much, but the size of the race, I suppose, is the most  
17 notable change. It has grown from 15 runners in 1897 to tens  
18 of thousands each year now. If we go back to around the year  
19 2000, it had grown to about 17,000 runners, and over the  
20 ensuing decade grew to 27,000. And for a number of years, from  
21 2010 to 2013, it was about 27,000 runners. So it is a much  
22 larger event than it once was.

23 Q. How would you describe the significance of the Boston  
24 Marathon?

25 A. The marathon has a different significance, I'm sure, for a

1 great many different people. For runners, it is the only  
2 marathon outside of the Olympic Games and the world  
3 championships for which one needs to qualify in order to run,  
4 for the most part. For in excess of 80 percent of the field,  
5 it is necessary for somebody to have run another marathon  
6 somewhere else, and done it in a time standard that is set for  
7 their age and gender. So it's an aspiration for a great many  
8 people. And the qualifying standards are difficult, so it's a  
9 challenge for someone to do, and it is seen as quite an  
10 accomplishment by people who do it.

11       The significance is different for others. There are  
12 people who come out every year to work on the race, to  
13 volunteer. There are between 8500 and 10,000 people, depending  
14 on field size, who come out and volunteer each year. And many  
15 of them come back year after year. There's a great commitment  
16 to it there.

17       For people who live along the route, it is a day to come  
18 out and have one of the first days of spring when one can get  
19 outdoors and perhaps cheer for an event and for some athletes  
20 that are going by their door.

21 Q. And what day of the year does the marathon occur?

22 A. It falls on Patriots' Day, which is -- which falls on the  
23 third Monday in April each year. It is a Massachusetts  
24 holiday, so schools are out and many people are off work. So  
25 it's a day when people have the opportunity to come out and

1 watch if they wish.

2 Q. And is there a significance of it being on Patriots' Day?

3 A. It was -- the Boston Marathon, officially the BAA Boston  
4 Marathon, was originally known by the name America's Marathon.  
5 And I think -- although I wasn't there for it, I expect that it  
6 was chosen to coincide with Patriots' Day, in part, because  
7 that was the day that honored the Battle of Lexington and  
8 Concord. The notion of American freedom and let's find another  
9 way to celebrate that day, and that's when the marathon was  
10 selected for that date.

11 Q. You mentioned that it was one of the -- the Boston  
12 Marathon is one of the few that requires a qualification. Are  
13 there other distinguishing aspects of the Boston Marathon  
14 versus other marathons around the world?

15 A. Well, it is among the largest and it is also one that  
16 attracts some of the finest competitors in the world. So it is  
17 a combination of being an elite race with professional runners  
18 competing for prize money, as well as a mass-participation race  
19 for a great many people, for those who are able to qualify.  
20 And there are very few such races around the world that have  
21 that combination of size and high-performance participation.

22 Q. Can you describe a little bit about what that balance is,  
23 the ratio is of competitors in terms of whether they're elite  
24 runners or just competitive runners who are running for time or  
25 other runners?

1 A. The number of elite runners is rather small. So each year  
2 for the men's and women's open division, the people who are  
3 competing for prize money, there are 15 to 20 in each of those  
4 categories who might have some chance, not necessarily of  
5 winning but of winning some money. Maybe 30 would have an  
6 opportunity to win money. There's a wheelchair competition as  
7 well, and there is a slightly smaller number of elite athletes  
8 competing for money there.

9 About 80 percent of the field, a little more than that, is  
10 made up of people who have come in through open registration,  
11 which is to say that they have run another marathon in the  
12 past, and within the preceding 18 months or so, that meets the  
13 qualifying time for their age and gender.

14 About half of the rest of the field is made up of charity  
15 runners who are running either in the charity program operated  
16 by the BAA or that operated by our principal sponsor, John  
17 Hancock. Other runners who are in that additional percentage  
18 come from running clubs here, from cities and towns along the  
19 way, international runners coming through tour groups. In  
20 general, many of the people who are instrumental in allowing  
21 the marathon to go forward by providing that assistance, it  
22 seems fair that they should have some opportunity to designate  
23 some of the people who will run.

24 Q. So just on that point, do you -- can you describe  
25 generally what that course is from Hopkinton to Boston?

1 A. It is just over 26 miles, or just over 42 kilometers.  
2 Hopkinton resides about 490 feet above sea level, so people  
3 start on the course at a relatively high point and run down a  
4 steep hill and then run through -- from Hopkinton through  
5 Ashland into Framingham. In Hopkinton, there's a considerable  
6 crowd of spectators at the very start. As the race then moves  
7 beyond Hopkinton, it is a more -- the course is a more -- has a  
8 more rural character to it. So the number of spectators is not  
9 as great going through the first part of Hopkinton after the  
10 start and then through Ashland.

11 It moves then into Framingham and Natick where it is a  
12 more suburban set of communities. There are more spectators  
13 along the road. It goes from Natick into Wellesley. In  
14 Wellesley the number of spectators rises considerably, most  
15 famously, perhaps, as the runners pass through Wellesley  
16 College where the students come out in great numbers to  
17 encourage runners, then through Wellesley Center where a great  
18 number of people come out to watch.

19 It then -- the course then passes past what we think of  
20 here as Route 128, I-95, and gets into a series of hills.  
21 There are four major hills that the runners have to cross in  
22 the city of Newton, most famously Heartbreak Hill which leads  
23 up to Boston College. The number of spectators is, if  
24 anything, greater as the runners come through Newton and as  
25 they get to Heartbreak Hill, which is at about 21 miles coming

1 up to the buildings at Boston College. The crowds are very,  
2 very dense.

3       The race then goes down from that hill through Brookline,  
4 where the crowds are very thick, and finally comes through  
5 Kenmore Square in Boston, onto Commonwealth Avenue, right onto  
6 Hereford Street, left onto Boylston Street, which is where the  
7 finish is. The crowds in Boston are very dense, and the number  
8 of people and the noise that they make at the finish is  
9 considerable, both because there are a lot of people there and  
10 because they are now in an urban setting with large buildings  
11 around them.

12 Q. Can you describe a little bit about the makeup of the  
13 spectating population of the marathon as it varies across the  
14 course?

15 A. The spectators who are there reflect the diversity of  
16 their communities through which the race passes. For much of  
17 the first part of the race, probably the first 20 miles or so,  
18 the spectators in the main are people who live there, people in  
19 those towns. They are people, in many cases, who have been  
20 coming for many years. Their parents may have been out as  
21 spectators at the race; their grandparents may have been out  
22 there.

23       As the race gets more toward Boston College, then the  
24 student participation in spectating goes way up. And as the  
25 race then goes down into Brookline and into Boston, there are

1 more -- many local people are there, but also visitors from  
2 other places. Marathoners come from many states -- from all  
3 states and many countries. They bring family members with  
4 them. There are a lot of people who are students here or  
5 people who are working in Boston who will come out to watch the  
6 race.

7 So there is a diversity to the spectators that, as I say,  
8 reflects where the race is being run.

9 Q. What kind of interaction do spectators have with  
10 participants in the race?

11 A. They express a great deal of enthusiasm for the runners in  
12 the race. For those who are running -- it's been a long time  
13 since I have, but even going back that far, I remember how  
14 inspiring it is to have people cheering for you as you are  
15 running. It is exciting. It is exhilarating.

16 For the spectators, it is -- it's a chance to come  
17 outdoors in the springtime. It's a chance for them to cheer a  
18 little bit. And they come out and, when necessary, take care  
19 of runners. So if, for example, we have, as we did in 2012, a  
20 very warm day, in addition to the hydration stations that we  
21 have along the way on the course -- and there are hydration  
22 stations every mile along the way -- in addition to that,  
23 people who live along the course will bring out water and ice  
24 and orange juice and fruit, and little children will have  
25 orange peels that they give to runners. And it leads to a very

1 heightened degree of interaction between the spectators and the  
2 runners.

3 Q. Now, does the marathon have a significant financial impact  
4 on the area?

5 A. Each year the Greater Boston Convention & Visitors Bureau  
6 does an analysis, an estimate of the economic impact of the  
7 marathon, and publishes that. In 2012 the number that they  
8 published was approximately \$137 million; for 2013 it was a bit  
9 more than that. I think \$142 million.

10 Q. And is there an estimate that the BAA uses for how many  
11 people come into Boston because of the marathon?

12 A. It's difficult to -- well, the connection at the Visitors  
13 Bureau has a formula they use. I don't know precisely what it  
14 is, but they look at the number of runners and decide how many  
15 people will be there; they look at media people who come in,  
16 those who are attracted to cover the race, and they have a  
17 formula that they use to come up with their economic impact  
18 study.

19 It's difficult for us to be able to say exactly how many  
20 spectators there are along the way. There is no way to count  
21 them. The estimate we have used is that in a year when the  
22 weather is favorable and a lot of people come out, there are  
23 perhaps half a million people who line the course.

24 Q. Can you describe the diversity of places from which  
25 runners come to participate in the race?

1 A. Well, certainly all 50 states in the United States are  
2 represented in the marathon field. About 20 to -- there are at  
3 least 40 percent who are from outside Massachusetts and New  
4 England. All states are represented. And there are runners  
5 from many countries. About 18 percent of the field is  
6 international. So the rest are domestic from various places  
7 around the U.S.

8 Q. And approximately how much does it cost to put the  
9 marathon on?

10 A. For us at the Boston Athletic Association, the amount that  
11 we spend in order to put on the race in sort of a normal year,  
12 going back to 2012 or 2013, is in the \$7 million range;  
13 however, there are contributions that come from others that go  
14 beyond that. So that, for example, another of our sponsors,  
15 Adidas, provides jackets to all the volunteers, provides shirts  
16 to all of the athletes who are competing; Poland Spring  
17 provides water; Gatorade provides hydration beverages of  
18 theirs. Others provide other things. John Hancock provides  
19 assistance in various ways.

20 So I know what we spend. I don't have a number for  
21 everything that goes into it, but it is a number more millions  
22 of dollars.

23 Q. And so the BAA has relationships with various sponsors?

24 A. We do. We have a principal sponsor, which is John Hancock  
25 Financial Services here in Boston. That is a relationship that

1 is now 30 years old. The second largest sponsor is Adidas.  
2 That's a 27-year relationship. And there are a number of other  
3 significant sponsors with whom we work.

4 Q. What about charities? Are there relationships with  
5 charities that the BAA has?

6 A. There are. The most formal relationships with the  
7 charities are conducted by the BAA and by John Hancock. We  
8 each have a charity program in the BAA program. We have about  
9 30 charities in any given year with whom we work. They receive  
10 approximately 15- to 1600 entries that they can distribute to  
11 people whom they select to raise money for that charity.

12 John Hancock has a charity program involving approximately  
13 a thousand runners. They have more charities in that program.  
14 They have more than a hundred charities with whom they work,  
15 and the charities are able to select whomever they want. They  
16 generally require a fund-raising minimum, generally, over  
17 recent years, in the realm of four to five million dollars.  
18 Then at the end, after the race is over, the charities all  
19 report back. And in the realm of 2012-2013, the amount raised  
20 in the aggregate would be approximately \$20 million from those  
21 two programs.

22 Q. And those who run for charities, I assume that they don't  
23 have to qualify like the majority of the runners?

24 A. The entries that are provided to the charities waive the  
25 qualifying requirement, although there are some runners who

1 have met the qualifying requirement who choose to run via the  
2 charity programs.

3 Q. Are there other events that the BAA puts on around the  
4 time of the marathon?

5 A. During marathon weekend there are events in two  
6 categories: First, athletic. On either Saturday or Sunday --  
7 in 2013 it was on Sunday -- we conduct a five-kilometer road  
8 race that starts -- in those days started and finished at the  
9 Boston Marathon finish line with, in that year, about 7,500  
10 participants. That's followed on that day by a series of urban  
11 mile races: one-mile races around city streets with six  
12 categories. One actually is one kilometer rather than a mile.  
13 There's a one-kilometer race for middle-school boys and one for  
14 middle-school girls; and then there's a one-mile race for  
15 high-school boys and for high-school girls; and then a one-mile  
16 race for professional male and female competitors. They run  
17 around city blocks, coming past the finish line and the  
18 grandstand a couple of times.

19 And then in the afternoon on Saturday of marathon weekend  
20 we have what's called the "Relay Challenge" which is a series  
21 of relay races along Boylston Street right by Copley Square in  
22 the Back Bay, with teams comprised of kids from Boston schools,  
23 schools from towns along the marathon course and a few other  
24 towns. And the kids who compete in those races are kids who  
25 have been -- have gone through a training program to get ready

1 for it. Those are the athletic events.

2 There are then a series of other events, more on the  
3 social side of things, some welcoming events. There is an  
4 event at which we make presentations of numbers to returning  
5 champions, known as the "Champions' Breakfast"; there is,  
6 through the course of the weekend, what is referred to as the  
7 "Expo," which is perhaps most easily seen as a kind of trade  
8 show, usually at the John Hynes Convention Center, at the  
9 Prudential, at which people in the running and fitness industry  
10 have booths at which they exhibit products and where people can  
11 buy things.

12 For people who have come to run in the race, they have to  
13 go to the Expo to pick up their race number. They receive a  
14 postcard which they then bring to the Expo; they go through our  
15 registration area. They receive their number, they receive the  
16 T-shirt that Boston Marathon contestants receive, then go  
17 through the Expo. It is a very large and heavily attended  
18 event.

19 After the marathon is over, there is an award ceremony  
20 recognizing the winners, both those who have won prize money  
21 and people through five-year increments of age category, male  
22 and female.

23 I left out something in the beginning. The night before  
24 the marathon, on Sunday evening, there is a pasta dinner for  
25 all runners who choose to go that's conducted at Boston City

1 Hall and Government Center. A couple of years ago about 8,000  
2 people attended that event.

3 Following the race, following the award ceremony, there is  
4 then a post-race party that is conducted. It has, in recent  
5 years, been up at the House of Blues and Fenway Park.

6 Q. Aside from the events that the BAA puts on, are there  
7 other social events on that day of Marathon Monday?

8 A. There are a great many people who come to Boston for the  
9 marathon. People who are, for example, publishers in the  
10 running industry, who have magazines; equipment manufacturers  
11 come. And for many of them, they will host social events for  
12 the people whom they would like to reach. So there are a great  
13 many social events that go on through the course of the weekend  
14 that are independent from the BAA.

15 Q. Now, are there sporting events going on around the same  
16 time?

17 A. Well, the most notable one on the same day as the marathon  
18 is a Red Sox game that is traditionally played in the morning  
19 on Patriots' Day as opposed to the normal game times. And it  
20 has been common for many years for a lot of people to leave the  
21 Red Sox game and then walk down into Kenmore Square to watch  
22 the marathon go by.

23 Q. It may seem obvious, but what kind of media attention does  
24 the Boston Marathon receive?

25 A. A substantial amount. There are approximately a thousand

1 media credentials issued, but that's total people. There are  
2 80 organizations that are registered. Some are print; some are  
3 TV of all kinds, domestic and international. There are 20  
4 international outlets that come and receive credentials and  
5 cover the race. It is covered on television in Boston by our  
6 broadcast partner here. It is then carried nationally by a  
7 separate carrier with whom we contract.

8       The BAA contracts with a firm to produce the video  
9 production, the TV show, as it were. And that is conveyed  
10 locally by one station, nationally by a national network. And  
11 then there are -- it's also live-streamed over the Internet.  
12 And there are individual broadcasting companies in different  
13 countries, 20 or so, that carry the race in those nations.

14 Q.     And is there an estimate about how many -- the volume of  
15 people who watch the marathon in some respect?

16 A.     I haven't looked at that in recent times. I'm not an  
17 expert in ratings. It's a pretty large number, but the fact  
18 that it's on a Monday diminishes that to some extent. It's not  
19 a holiday anywhere else.

20 Q.     Are there various partnerships aside from the sponsorships  
21 and the charities that you described in which either the BAA or  
22 some other partners have relations with? Business  
23 partnerships, relations with -- in the Boston area?

24 A.     Perhaps you can guide me a little bit further.

25 Q.     Sure. Are there hotels, restaurants, other types of --

1 A. Oh, I see. Well, there is a host hotel for us that is  
2 right in Copley Square, the Copley Plaza Hotel. That's the  
3 place where the BAA conducts most of our press events and a  
4 couple of large social events; one that I failed to mention  
5 before, on Saturday evening, a large reception that was known  
6 for many years as the Mayor's Reception.

7 It is that organization with whom we have a direct  
8 relationship, but all of the surrounding hotels and restaurants  
9 benefit from all of the runners that are there. We have never  
10 had a need to enter into relationships with those hotels or  
11 restaurants, to sort of help them out, because people seek them  
12 out quite a lot. We do provide entrance to the race with  
13 something referred to as a "runner's passport," which shows  
14 them as entrants to the marathon and provides them discounts at  
15 some restaurants where they might go.

16 Q. What type of logistics does the BAA have to accommodate  
17 for to put on an events like the marathon?

18 A. There is a very substantial amount of work to be done in  
19 order to provide for the needs of all the runners as well as  
20 making everything as accessible as we can for spectators and  
21 for media. If one starts at the beginning, with a race  
22 starting out in Hopkinton, and most people being somewhere  
23 else, we need to get them all out there. So we have a very  
24 extensive bussing program that takes place beginning early on  
25 Monday morning, sometimes as early as six o'clock, with people

1 reporting to the Boston Common and being bussed out to  
2 Hopkinton in waves.

3 They get out there and they need a place to wait for the  
4 race to start, so we work with the town officials in Hopkinton  
5 to provide what's referred to as an athletes' village out  
6 there, where athletes can await the beginning of the race.  
7 There are announcements; there are refreshments for them if  
8 they need them. And they are then -- because there are so many  
9 of them and because the course is really the same as it was in  
10 1897 -- it hasn't gotten any wider -- they have to come in  
11 waves. In 2013 there were three waves of 9,000 each.

12 And so the first wave will be brought out to the finish  
13 area, and they will go off; 20 minutes later another wave will  
14 come out, and they will go off; 20 minutes later another wave  
15 will come out and they will go off. So the first major  
16 logistical challenge is just making sure they're all there,  
17 bussing as much as 80 percent of them out there, and then  
18 getting them off to an orderly start.

19 Going down the course, the next two most important areas  
20 are hydration and health. For someone running 26 miles, 42  
21 kilometers, they need hydration along the way. We have  
22 hydration stations with either water -- with water and Gatorade  
23 virtually every mile along the course, all the way to the  
24 finish. And in order to meet possible health needs, there are  
25 first-aid medical tents nearly every mile along the way.

1       The hydration stations are busy right from the beginning  
2 all the way along the course. The first-aid and medical tents  
3 are less busy in the early stages of the race. It is a very  
4 fit field of runners. Virtually all of them have met a  
5 qualifying standard. But as they get further down the course,  
6 medical interactions become a little bit greater, and so the  
7 first-aid medical tents are larger.

8       As one gets all the way down through the course to the  
9 finish area, now you have some thousands of runners who are  
10 done and they stop, and their needs need to be met there. When  
11 they cross the finish line, they receive more hydration; they  
12 receive something to eat; they receive their finisher's medal,  
13 which is very important to them; they receive a heat-retention  
14 cape, a blanket to keep them warm.

15       And if they need medical attention, there are really two  
16 medical tents that are available for them. The first is a very  
17 large one, referred to as Medical Tent A, which is located at  
18 Dartmouth Street in the Back Bay right in front of the Boston  
19 Public Library. It's a very large white tent, quite noticeable  
20 by anyone, with space for about 200 cots inside.

21       There is also a second medical tent down the road, a  
22 little bit further in the Back Bay, which is a little less than  
23 half the size of that for overflow and for runners who may  
24 cross the finish line and feel all right and receive their  
25 refreshments, but as they get a little further down, suddenly

1 get a little shaky. And that can happen. So they would go to  
2 Medical Tent B.

3 There is also a large area down in that part of the Back  
4 Bay where people can be reunited with their families, what's  
5 referred to as the family meeting area. And so there are  
6 letters on lightposts and sign posts so that people whose last  
7 name begins with R can meet their family in that locale.

8 The last bit of business, kind of a large item, is that in  
9 2010, '11, '12, 13, runners could take out to the start with  
10 them a personal bag that -- we would issue them a bag that they  
11 could use to put personal belongings in and then be able to  
12 reclaim them at the finish. And those bags would be put on  
13 busses, those busses would be driven back into Boston while the  
14 competition was going on, and when the runners finish, they  
15 cross the line, received hydration, food, heat-retention cape,  
16 whatever they wanted, they would then come to a place where  
17 these busses were and they could, with their race number,  
18 receive the correspondingly numbered bag with their personal  
19 effects in there. At that point, once they had all of that,  
20 went off to meet their family, then they're on their own.

21 Q. What types of precautions does the BAA take with regards  
22 to security?

23 A. We partner closely with public safety officials at all  
24 levels, and it is they who provide for security matters. A  
25 rather simple way to think about it might be that our attention

1       is focused on what happens inside the curbstones, for the  
2       runners, and public safety officials are more looking to the  
3       outside. There is a very high level of coordination that goes  
4       on among those public safety officials in the months leading up  
5       to the marathon every year.

6           It is coordinated to a considerable degree through the  
7       Massachusetts Emergency Management Agency, which has its  
8       headquarters in Framingham, Massachusetts. And there are  
9       meetings out in Framingham, at their headquarters, at which  
10      both public safety and police, fire, emergency management,  
11      emergency medical people get together along with various state  
12      agencies and federal agencies to plan for the race that year  
13      and to address any security issues that they think need to be  
14      addressed.

15     Q.     Let's go to the 2013 marathon. How did that day start?

16     A.     2013 began as any marathon had for a number of years with  
17      runners going down to the Common to get on busses to go out to  
18      Hopkinton. It was a good weather day. The year before, in  
19      2012, we had had very high heat and had to take extra measures  
20      in order to provide, particularly for hydration, for runners.  
21      So when the race was beginning to form in 2013, it was good  
22      news for everybody that it was a good weather day. A good day  
23      to run and a good day to watch.

24     Q.     And so there were staggered start times that morning?

25     A.     That's right. Once the runners got out to Hopkinton, then

1 there is a very tight schedule to the way everything begins.  
2 At nine o'clock the athletes to whom we refer as mobility  
3 impaired, those for whom mobility is most challenging, began.  
4 At 9:17 the wheelchairs go off. Men and women in push  
5 wheelchairs. At 9:22 hand cycles would begin. There's a small  
6 number of people who compete in hand cycles, a wheelchair but  
7 where they don't push the rim of the wheel; they have what look  
8 like pedals in their hands that they turn. There's a geared  
9 system that moves the chair down the road. At 9:32 the elite  
10 women, the women competing for prize money, start so that they  
11 can -- the reason for that being so that they can have a  
12 competition themselves rather than being in the midst of a  
13 large pack of runners, including men.

14 And then at ten o'clock the large race begins. At 10 a.m.  
15 the elite men start, the men competing for prize money. And  
16 then at the same time, right behind them, is Wave 1 of the  
17 overall field, so the first group of 9,000 runners. After they  
18 leave, there's a 20-minute period for runners to move from the  
19 athletes' village out to the starting line so that Wave 2 can  
20 begin at 10:20. And that process repeats itself. Wave 2  
21 leaves; the people in Wave 3 move from the athletes' village  
22 out to the starting line, and at 10:40 they began.

23 Q. And what were your duties essentially during the day?

24 A. Well, as executive director of the Boston Athletic  
25 Association, we, the organization, and I, as its

1 representative, have overall responsibility for the race.

2 We -- there's a gentleman who has been the race director for a  
3 number of years who is in charge of the tactical implementation  
4 of everything that happens out on the race course, and he is  
5 out in Hopkinton at the beginning of the race and then on a  
6 lead vehicle in front of it.

7 Having been the finish line announcer for a very long  
8 time, I have continued to do that. That leaves me at the  
9 finish line. So we have a race director who's out on the  
10 course and I at the finish, and with a couple of other people  
11 there in case I have to -- in case I'm called away. I would  
12 act as finish line announcer, which really for a long time  
13 involves talking to people who have come to the finish line  
14 quite early, long before any runners are coming in, but to get  
15 a good space to watch.

16 And so I would, at the time of the start of the wheelchair  
17 division, start talking about 9:15 or so, just to describe for  
18 people the scene out in Hopkinton, what it looks like, what it  
19 feels like, and then let them know when races began. And then  
20 over the course of the morning, over the course of the race,  
21 describe to people a little bit of what was happening, who was  
22 ahead, who was challenging, just to keep them apprised of what  
23 was going on. Over the course of that time, more and more  
24 people would begin to fill in the grandstands that are there.

25 Q. Now, before you came in to testify, did I show you several

1 photos, a video and a few diagrams?

2 A. Yes, you did.

3 Q. And did you recognize those?

4 A. I did.

5 Q. And Exhibits 1 through 4, are those photos of the finish  
6 line area of the Boston Marathon on 2013?

7 A. They are.

8 Q. And do those fairly and accurately depict that scene that  
9 day?

10 A. Yes, they do.

11 Q. And Exhibit 5, is that a video captured from the photo  
12 bridge at the Boston Marathon on 2013?

13 A. Yes.

14 Q. And does that fairly and accurately depict the events that  
15 occurred at a certain period of time during the Boston  
16 Marathon?

17 A. It does.

18 Q. And the diagrams that I showed you, Exhibit 774, 789  
19 through 791, are those fair and accurate diagrams of the area  
20 on Boylston Street leading up to the marathon finish line?

21 A. Yes, they are.

22 MR. CHAKRAVARTY: Your Honor, at this point I would  
23 move in Exhibits 1 through 5, 774, 789 through 791.

24 MS. CONRAD: Your Honor, no objection to the photos  
25 and video; however, with respect to the diagrams, we have no

1 objection to them being used as chalks. We do object at this  
2 juncture to their admission as exhibits.

3 THE COURT: Well, perhaps we could have something  
4 about their preparation.

5 BY MR. CHAKRAVARTY:

6 Q. Mr. Grilk, the diagrams that you saw with regards to the  
7 finish line configuration, and perhaps just for the --

8 MS. CONRAD: I don't have an objection to them being  
9 shown, just to be clear.

10 THE COURT: Yeah. Well, I wanted to give you an  
11 opportunity for foundation if that was the -- if that was what  
12 was needed. If that's not, then we can just reserve on the  
13 question. We can use them now and decide the admission  
14 question later.

15 MR. CHAKRAVARTY: That's fine, your Honor. I mean,  
16 they are relatively to scale. It's not like a chalk --

17 MS. CONRAD: Objection to Mr. Chakravarty testifying.

18 MR. CHAKRAVARTY: Fair enough.

19 So if we could put up Exhibit 1, please.

20 (Government Exhibit Nos. 1 through 5, admitted into  
21 evidence; Exhibits Nos. 774, 789 through 791, marked for  
22 identification.)

23 BY MR. CHAKRAVARTY:

24 Q. Mr. Grilk, can you describe this scene for us?

25 A. That is an aerial view of Boylston Street looking down

1 toward the finish line as the runners would approach it. And  
2 as one looks, there is what appears to be a blue triangle, and  
3 that is just after the finish line. And up above it --

4 Q. Where I circled, is that what you're talking about, the  
5 blue triangle?

6 A. That's right. Yes, that is just beyond the finish line.  
7 The finish line is the yellow line in the road, just prior to  
8 that as one looks up the street here.

9 Q. Is that where I just --

10 A. It is there, yes.

11 And then up above where one sees what appears to be a  
12 white strip is a temporary structure that we refer to as the  
13 photo bridge, which is where photo and video journalists are  
14 who are taking pictures. It's also where a couple of the media  
15 outlets are that are doing a broadcast of the race, both the  
16 local broadcast and the organization that does the national  
17 broadcast.

18 Q. And the video that we're going to watch in a few seconds,  
19 is that taken from that photo bridge?

20 A. It's taken from the photo bridge looking back up in the  
21 other direction, yes.

22 Q. Is this the grandstand area over here that you're  
23 describing?

24 A. Yes, it is.

25 Q. Okay. And over here, do you recognize that structure

1 behind what I just circled?

2 A. With the blue tent is the announcer's platform. So it is  
3 there that I sit during the time when announcing the race.

4 Q. Now, along that side of the street, are there various  
5 flags lining the street?

6 A. There are. There are metal structures up there,  
7 barricades, and attached to those are flags of many countries  
8 representing countries from which runners come to run the race.

9 MR. CHAKRAVARTY: May I have Exhibit 2, please.

10 Q. Can you describe what you see here?

11 A. The video screen that appears in the picture is put up  
12 each year at the corner of Boylston Street and Exeter Street.  
13 It is across the street from where those grandstands are  
14 located. So it allows people who are seated in the grandstand  
15 to be able to see a video feed of what is happening out on the  
16 race course.

17 Q. All right. And this -- so from your position where you do  
18 the commentating, can you typically see the jumbotron?

19 A. I cannot. It's behind the flags.

20 MR. CHAKRAVARTY: Exhibit 3, please.

21 Q. Now, can you tell where this depicts?

22 A. Well, this is -- looking at the same corner, just for  
23 reference, at the very top right one can see a little blue  
24 patch with the John Hancock logo. That's the large video  
25 screen that we saw before. The street is Boylston Street. And

1       this depicts runners coming to the finish there as they cross  
2       Exeter Street, which is the cross-street there in front of the  
3       grandstand, which one can see on the left there. They have  
4       about another half a block to go to the finish line, which is  
5       opposite the center of the Boston Public Library.

6                  MR. CHAKRAVARTY: And Exhibit 4, please.

7                  Q. And can you describe what that is?

8                  A. This is an aerial view of the marathon finish, again,  
9       looking in the direction in which the runners are going. The  
10      finish line in yellow is where you have marked it. On the  
11      right side of the picture are the really two grandstands. In  
12      the lower right-hand corner is the larger grandstand which is  
13      most analogous to, perhaps, bleachers one might see at a high  
14      school athletic event. The lower grandstand with white chairs  
15      is smaller, and that's right on the finish line. And it is  
16      right there at which presentations are made of the champions,  
17      trophy and medal, and the olive wreath that is given to the  
18      champion.

19                  As one goes beyond the finish line, it is -- one can see  
20      the photo bridge much more clearly here with a white awning  
21      over the top.

22                  Q. And up in the upper right-hand corner, what is that?

23                  A. That is Medical Tent A that I described before. So people  
24      going through the finish area can go in there if necessary.  
25      There are volunteers who are out in the finish area who are

1 able to pick up anyone who needs medical assistance, put them  
2 in a wheelchair and take them down to that tent.

3 Q. And is this the booth that you typically --

4 A. That is where I'm located, yes.

5 Q. And these are the flags that you described earlier?

6 A. They are.

7 MR. CHAKRAVARTY: Let's put up Exhibit 774, if we  
8 could.

9 Q. Why don't you describe what this shows.

10 A. It's a diagram of Boylston Street looking down from above.  
11 The yellow finish line is easy to see there. And just to the  
12 right of that, a kind of grayish white line, represents where  
13 the photo bridge is. The lower portion of the diagram  
14 represents the Boston Public Library: to the right, the older  
15 portion; to the left, the newer portion.

16 Q. And based on your experience at the marathon, does this  
17 diagram appear to be scale?

18 MS. CONRAD: Objection.

19 THE COURT: Overruled.

20 You may answer it.

21 THE WITNESS: Yes.

22 BY MR. CHAKRAVARTY:

23 Q. And there are names of various establishments on the  
24 diagram. Do those purport to represent the structures that are  
25 next to them?

1 A. They are places that I remember from that time. There  
2 have been some changes since 2013, but yes.

3 MR. CHAKRAVARTY: Can we do Exhibit 789, please.

4 Q. And is this just a smaller version of just that block  
5 closest to the -- between Exeter and the finish lane?

6 A. That's right. Exeter Street, the gray vertical line to  
7 the left, and Dartmouth Street over to the right, and the  
8 Medical Tent A depicted in the lower right-hand corner.

9 Q. Now, on this map where were those -- the flags that we  
10 were just looking at on the photo?

11 A. If one looks down at the finish line, it is on the -- how  
12 best to say it, opposite the library. So the library is on the  
13 lower portion. So one would go across the street, and the  
14 flags go from right around where the finish line is up to just  
15 about Exeter Street at the left edge of the picture.

16 Q. So is it the area where I circled?

17 A. Yes.

18 THE COURT: Mr. Chakravarty, I assume you know this,  
19 but the witness is able to do that as well.

20 MR. CHAKRAVARTY: I do, your Honor. I was just about  
21 to ask him that but --

22 THE COURT: I wasn't sure whether you --

23 MR. CHAKRAVARTY: Thank you, your Honor.

24 Exhibit 790, please.

25 BY MR. CHAKRAVARTY:

1 Q. And do you recognize what this stretch of Boston is?

2 A. This is now looking one block further out on the race  
3 course, so that now we're between Exeter and Fairfield. So  
4 the gray -- I can do this?

5 Q. You may have to press hard. That's why I was reluctant to  
6 ask you --

7 A. So there is Exeter Street, which is the street we were  
8 looking at before; now it's a block further up there. There's  
9 Fairfield Street. The finish line is now down that way a half  
10 a block.

11 Q. Okay. And are you familiar with this area in front of the  
12 Forum restaurant?

13 A. I am.

14 MR. CHAKRAVARTY: Exhibit 791, please.

15 Q. And can you describe what this depicts?

16 A. This goes up now yet further so that now we're up -- here  
17 is Hereford Street, which is where -- let's see.

18 Q. Could it be Gloucester?

19 A. Yeah, it would be Gloucester. Hereford is yet one further  
20 up where the runners come in. So now it's a further block up  
21 the race course prior to the finish.

22 Q. Now we're on 2013 Marathon Monday. Were spectators lined  
23 up and down this part of the route?

24 A. Yes, on both sides of the street.

25 Q. And how dense would you compare the spectator --

1 spectating population in this area versus elsewhere on the  
2 course?

3 A. It is as dense here as it gets. There are people that  
4 fill the sidewalks. The same is true in some other parts of  
5 the course. There are places where people fill all available  
6 space, or so it seems. It's true here. If one goes out to the  
7 Heartbreak Hill area in Newton, there are very dense, deep  
8 crowds there as well.

9 MR. CHAKRAVARTY: Can we call up Exhibit 5, please.

10 Q. Now, the density of the crowd: About two and a half hours  
11 or so after the last wave had left Hopkinton, approximately how  
12 dense would you say the crowds were in that area versus earlier  
13 in the day?

14 A. The crowds tend not to diminish very much, at least from  
15 my observation. There are a lot of people who stay out there,  
16 and they continue to cheer loudly. So it would seem that they  
17 are out there enjoying cheering for the citizen runners, the  
18 non-elites, but the people who have worked so hard to qualify  
19 and are now finishing the Boston Marathon.

20 Q. So on Exhibit 5, there's a clock that I'm circling here  
21 with a time on it. What does that time represent?

22 A. That represents the time that's elapsed since a particular  
23 wave left the starting line. In years gone by, there was only  
24 one time for the marathon. Everyone lined up at the starting  
25 line and the gun went off and everyone ran in, and your time

1 for the race was the time at the finish line when you got  
2 there. So if you started back in the pack, you were at a  
3 disadvantage, but it was important for you to know what the  
4 clock was at the finish because that was your official time for  
5 the race.

6 As years have gone by, technology has made that clock less  
7 important in that regard. Now the race is timed electronically  
8 for the vast majority of people who are running. So that they  
9 have a chip -- originally they were tied in to people's running  
10 shoes, now it appears it's in the back of one's race number.  
11 And every time one goes through a five-kilometer checkpoint,  
12 time is recorded. The official time for a runner is the time  
13 recorded when they cross the finish line, and it's the time  
14 that has elapsed and been measured electronically from the time  
15 they cross the start to the time they get to the finish.

16 The principal benefit that those clocks provide these days  
17 is really more to give spectators a sense for how far along the  
18 race is. So at the very beginning of the day when the clocks  
19 are first set up, the starting gun is fired and that triggers  
20 an electronic pulse that starts the clock -- the official clock  
21 out in Hopkinton, but also triggers the clocks at the finish.  
22 And it's initially set for the wheelchair competition.  
23 So -- and that's the first group to finish. So that spectators  
24 can see where that is and they see the official time for the  
25 wheelchair competitors because they all start at once. It's a

1 relatively modest number, 50 or so.

2 When the women's elite race starts about 15 minutes after  
3 the wheelchair competitors start, then one of the two finish  
4 clocks is set to the women's elite start, and it then changes  
5 as time goes by. Then at ten o'clock, the men's elite group  
6 and the first wave of runners starts, and then the wheelchair  
7 clock switches back over to the starting time for the main  
8 race.

9 There are scheduled times to shift those times back and  
10 forth among waves but it is sort of loosely observed. Once the  
11 race is really going on, the officials in the street -- one in  
12 particular -- will watch to see whether it now appears that  
13 most of Wave 1 has come through. And at that point, one or  
14 both clocks will switch to Wave 2.

15 The way that an official can tell is that the waves have  
16 different colored bibs, different colored numbers: Wave 1,  
17 red; Wave 2, white; Wave 3, blue. And so those clocks would  
18 shift. And at a certain point, both clocks will reflect the  
19 last wave of runners to have started.

20 Q. So if the last wave of runners on April 15 of 2013 was at  
21 10:40 a.m., the clock shows that the time is approximately 2:49  
22 p.m.?

23 A. It does.

24 Q. And without identifying specific individuals, have you  
25 reviewed this video and recognized several individuals in the

1 video?

2 A. I do.

3 Q. All right. I'm going to play the video through now.

4 (Video recording played.)

5 Q. Mr. Grilk, the portion of the video that I stopped here  
6 and I'm circling, are you familiar with some of the  
7 establishments that are around that blast?

8 A. Yes. The one with which I'm most familiar is a store that  
9 sells running footwear and apparel, Marathon Sports.

10 (Video recording played.)

11 Q. Now, here, the location of the second blast, what  
12 establishment, if any, is near there?

13 A. Again, the one with which I'm most familiar is the Forum  
14 restaurant.

15 Q. And you've been to both of these locations after the  
16 blast?

17 A. I have.

18 Q. What happened after the blast occurred from the BAA  
19 perspective?

20 A. Well, for us in a situation like that, our approach is to  
21 focus on those people to whom we have the greatest  
22 responsibility, to focus on those things that we can control  
23 and try not to be too distracted by those that we cannot. And  
24 that day we had runners out on the course. We, the BAA,  
25 couldn't help with medical attention beyond the assets that

1       were -- beyond the people who were already there in the medical  
2       tent doing what they did. So for us as race organizers, we  
3       really looked to those people who were outside that area to do  
4       what we could to meet their needs.

5           There were some 5,600 runners who were stopped, who were  
6       unable to complete the course, some starting at Massachusetts  
7       Avenue and Commonwealth Avenue in the Back Bay. Everyone was  
8       stopped and no one was allowed to go beyond there. So our  
9       focus was initially on, what can we do for these people? How  
10      do we get them back in? There were some who were, for example,  
11      taken to a church at Boston College. So we wanted to get  
12      busses out there so we could get them back in and get people  
13      back in from other places.

14           Also, it was very important to runners to be able to  
15      collect their personal belongings after the race. For many  
16      people, they would have phones in there, hotel room keys,  
17      things that were important enough to them that they checked  
18      them so they could get them immediately after the race. And we  
19      wanted to find -- we wanted to try to get that available to  
20      them as quickly as we could.

21           Those personal bags were in busses that were on Boylston  
22      Street, and that whole area was closed immediately by public  
23      safety authorities. So we had conversations with them to see  
24      if we couldn't find some way to get some of those belongings  
25      out for people.

1       So that's what we could do. And then be as cooperative as  
2 we could with public safety and medical authorities to deal  
3 with the needs of those who had medical needs.

4 Q. And did those people go in to the scene and deal with the  
5 emergency response?

6 A. Well, the people on the scene for us, our volunteers, our  
7 medical staff attended immediately to needs of everybody whom  
8 they could, going back to the same principle: Where did they  
9 feel an obligation? It was to those runners or anybody who was  
10 in the finish area who had been hurt. And they went out to get  
11 them, to do what they could, to provide first aid on the scene  
12 or get them down to the medical tent.

13       Generally what happened was that volunteers and others  
14 see -- official volunteers with volunteer jackets or people who  
15 were just there, spectators, would do what they could to get  
16 people who had been injured down into the medical area. As  
17 those people were brought into the medical tent, those who were  
18 most critically injured were taken immediately to ambulances at  
19 the other end of the tent; others were attended to, as well as  
20 possible, while more ambulances could be obtained, and that was  
21 generally being coordinated by Boston EMS, Boston Emergency  
22 Medical Services. And those people did a magnificent job.  
23 Everyone who entered that tent alive is alive today.

24 Q. Is it fair to say that that tent filled up?

25 A. Yes, it did.

1 Q. Did the marathon go forward in 2014?

2 A. It did.

3 Q. When is it scheduled in 2015?

4 A. On Patriots' Day. April 20th this year, 2015.

5 Q. And has it grown?

6 A. Last year -- well, for several years, from 2010 through  
7 '13, the race had been 27,000. That was the field size.  
8 Because there were so many people who were unable to finish in  
9 2013, with the cooperation of the eight cities and towns and  
10 the Commonwealth of Massachusetts, we were allowed, on a  
11 one-time basis, to enlarge the field so that we could give  
12 everyone who wasn't able to finish before, the opportunity to  
13 come and run if they wished to. And of those 5,600 or so  
14 people, the better part of 5,000 did.

15 We also wanted to offer the opportunity to run to other  
16 people who were profoundly affected by what had happened in  
17 2013, so the field size went up to 36,000 for that year. For  
18 this coming April, the field size will go back down, but not  
19 all the way to 27,000; it will be 30,000.

20 MR. CHAKRAVARTY: One moment, your Honor.

21 Thank you.

22 THE COURT: All right.

23 MS. CONRAD: May I? I just have a couple --

24 THE COURT: No, use the podium.

25 CROSS-EXAMINATION

1 BY MS. CONRAD:

2 Q. Good afternoon, sir. My name is Miriam Conrad.

3 I just have a couple of questions about the diagrams that  
4 Mr. Chakravarty showed you. Did you prepare those yourself?

5 A. I did not.

6 Q. And do you -- Mr. Chakravarty asked you if they appeared  
7 to be to scale. I think that was the question.

8 A. That was the question.

9 Q. And you said that they did. Can you tell me what you mean  
10 by that, when you say "to scale"?

11 A. When I see that and compare it to my experience of walking  
12 up and down the street along there quite often, it looks about  
13 right to me.

14 Q. It looks about right?

15 A. That's right.

16 Q. But you haven't done any measurements of your own?

17 A. That's correct.

18 Q. And with respect to the specific businesses that are  
19 depicted there, I think you said that you were familiar with  
20 some of them or maybe you said that some of those businesses  
21 are no longer there. So do you know as far as each of those  
22 business names --

23 MS. CONRAD: If we could get 774 up on the screen,  
24 please.

25 Q. -- do you know if those businesses were there in 2013,

1 each and every one of them?

2 A. I can't tell you particularly that each and every one of  
3 them was there.

4 Q. And there also seems to be some little brown things along  
5 the way. Do you know what those depict?

6 A. I don't know that to --

7 Q. There. Do you know what all those are?

8 A. I'm sorry. To what do you --

9 Q. Right there.

10 A. Oh. I do not know.

11 MS. CONRAD: Thank you very much.

12 THE COURT: Anything else?

13 MR. CHAKRAVARTY: No, your Honor.

14 THE COURT: All right, sir. Thank you. You may step  
15 down.

16 (The witness is excused.)

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C E R T I F I C A T E

I, Marcia G. Patrisso, RMR, CRR, Official Reporter of  
the United States District Court, do hereby certify that the  
foregoing transcript constitutes, to the best of my skill and  
ability, a true and accurate transcription of my stenotype  
notes taken in the matter of Criminal Action No. 13-10200-GAO,  
United States of America v. Dzhokhar A. Tsarnaev.

10        /s/ Marcia G. Patrisso  
11        MARCIA G. PATRISSO, RMR, CRR  
11        Official Court Reporter

Date: 3/26/15